

LEGISLATIVE ACTION IN THE
SENATE

Mrs. BOXER. Mr. President, a funny thing happened before the Memorial Day recess. We finally did something around here. I say "a funny thing" because we haven't done that much to write home about. What happened was we had the juvenile justice bill come before this body. It was debated. Amendments were offered. Votes were taken. The Senate passed the bill by a large bipartisan majority.

I think that is the way we ought to be doing our business rather than having a bill brought up and having the so-called amendment tree filled to prevent those of us on this side of the aisle from bringing up amendments. I think the way the juvenile justice bill was handled was good. I hope we see more of that openness on the floor of the Senate.

When we had the juvenile justice bill before us, we did some good things. One of the good things we did was to pass some commonsense gun laws.

Now, after a 2-week break, the House is going to be taking up the juvenile justice bill and looking at these gun laws and deciding on which of them they are going to move forward. From the reports I read in the paper today—I haven't read the House bill yet, although we are going over it now—those gun laws are significantly weakened.

I say to my friends in the House, where I proudly served for 10 years, if anything, you should strengthen those laws, not weaken those laws. We had the Lautenberg amendment that passed. As I understand it, it has been weakened over on the House side, opening up new loopholes so that people at gun shows can call themselves exhibitors and not have to pay attention to all the important background checks that should take place before a gun is purchased at a gun show. So we will be watching.

As the people were very happy to see us do sensible gun laws, they also are waiting for us to do something else. That has to do with their health care. That has to do with the Patients' Bill of Rights. That has to do with the fact that many HMOs are not treating patients in the right fashion.

I know we are taking up the Y2K bill to protect businesses from lawsuits. It is an important bill. I am glad we are taking it up. I have my opinions on it. I will be offering an amendment on it. I hope I can support it.

But what about the vast majority of Americans who need us to pass a Patients' Bill of Rights? Somehow this keeps going to the back of the list. More and more Americans need us to look at their problems: Women who can't get access to their OB/GYNs or, if they do, it is very restrictive; people who get taken to an emergency room far away from the closest one and are told that this really wasn't an emergency, because, guess why, they didn't die, so then their HMO doesn't cover the visit; a child needs to see a spe-

cialist and can't see one or has a chronic condition and must always see a specialist and go through bureaucratic hoops to see that specialist.

I thought we honored our children. That is not the way to treat a sick child. We should be making the lives of our children easier, not harder, especially when they are very sick.

Worst of all, HMOs cannot be held accountable in court. You cannot sue your HMO, even if the HMO made a medical decision that resulted in a patient's death or put someone in a coma permanently.

The PRESIDING OFFICER. The 5 minutes of the Senator from California have expired.

Mrs. BOXER. I ask unanimous consent to complete in 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, the practices of too many HMOs are outrageous. It is equally outrageous that we haven't had a chance to bring that bill to the floor for debate. We on this side of the aisle spent all last year pleading to bring it up, but we were met with delay and obstruction, just as we did on the minimum wage.

We fought hard to finally get a minimum wage bill brought up a couple of Congresses ago. We are going to fight hard again to get a new minimum wage bill brought up, to get a Patients' Bill of Rights brought up. We are not going to stop until it happens. We want to make this Senate relevant to the lives of our people, just as we did when we took up the juvenile justice bill. I look forward to working with Members on both sides of the aisle on a Patients' Bill of Rights, raising the minimum wage, and other issues we need to take up.

I thank the Chair. I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 15 minutes.

Mr. MCCONNELL. Will the Senator yield?

Mrs. BOXER. Yes.

Mr. MCCONNELL. Does the Senator from North Dakota control the time?

The PRESIDING OFFICER. The Senator from California would have 5 additional minutes after the Senator from North Dakota.

Mr. MCCONNELL. Mr. President, I am just trying to get in line here.

Mrs. BOXER. Mr. President, can I say to my friend that Senator DURBIN had taken 30 minutes in this part of the morning business hour. He has designated me to control that 30 minutes. As I understand it, I took 6 minutes. We now have 15 minutes for Senator DORGAN and the remaining time by Senator TORRICELLI. That would complete this side's time. We have no problem with the Senator getting his time.

Mr. MCCONNELL. Mr. President, I am confused as to what I am inquiring

about. The time is controlled by Senator DURBIN until when?

The PRESIDING OFFICER. Twenty-three and a half minutes remain under the control of the Senator from California.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be recognized at the end of the time controlled by Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Nicolas Benjamin be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN and Mr. WELLSTONE are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I ask unanimous consent Senator REED be recognized for 10 minutes and I be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 10 minutes.

GUN CONTROL

Mr. TORRICELLI. Mr. President, last month for the first time in a generation, the Senate voted for some reasonable additions to the national gun control legislation.

We principally did three things of value to our country: We voted to ban the possession of assault weapons by minors; we voted to require background checks on the purchase of firearms at the 4,000 gun shows held nationally in our country; and to require that firearms come equipped with a child safety lock.

They were hard-won victories. Each in their own right was an important statement about our commitment to the safety of our citizens. Each represents America coming to terms with the level of gun violence in America. But it is important that they be held in some perspective, because none was particularly bold. While they make a contribution to dealing with the problem, they do not begin to end the problem.

Now the House of Representatives has another chance to build on the work of the Senate and respond to the needs of the American people, the desperate need to have some reasonable

levels of gun control to protect our citizens. The simple truth is that we have a great deal more to do. Every year, 34,000 Americans are victims of gun violence. Firearms are now the second leading cause of death, after car accidents, and gaining quickly. The lethal mix of guns and children is particularly disturbing. Fourteen children are dying every day from gunfire. Teenage boys are more likely to die from gunshots than all natural causes combined. It is not simply a problem. It is not enough to call it a crisis. There is an epidemic of gun violence that is consuming our citizens generally and our children in particular.

In truth, there are many causes. No one measure in either gun control legislation or in addressing this problem generally is going to solve the problem. Those who wait for a single answer to solve a complex societal problem will never be part of a solution. Our schools will play different roles. Our parents are learning the difficulties of raising children in a changing and complex society. The media will learn new levels of individual voluntary responsibility. But, as certainly as each of those elements is a part of dealing with gun violence in America, and particularly the new problems of youth and school violence, so, too, this Congress and gun control is an element.

In the last 2 months the shootings in Littleton, CO, and Conyers, GA, have represented a potential historic turning point on this issue. Almost certainly, when the history of our generation is written, the events in Conyers and Littleton will be seen in the same light as the publishing of Rachel Carlson's "Silent Spring" is seen as the beginning of the environmental movement or the 1960s march on Washington is for civil rights.

It may be possible we have now reached a critical mass in this country where, as a majority of the American people have otherwise been relatively silent on this issue while a small minority seemed to control and monopolize both the national debate and the political judgments, now the balance may be changing. If, indeed, we have reached this point of change, then this Congress will respond by doing several things that are meaningful in ending gun violence:

First, restrict the sales of handguns to one per month. It is not unreasonable that Americans limit their consumption of handguns to one every 30 days, and it is a real contribution to dealing with this problem, because States such as my own, New Jersey, which have had reasonable gun control for 30 years, are being frustrated. Mr. President, 80 percent of the guns used to commit felonies in New Jersey are coming from five States that do not have similar gun control. Guns are being purchased wholesale in other States and taken to my State for use in the commission of a crime. Limiting purchases to one a month will prohibit it from becoming profitable for people to engage in this unseemly business.

Second, reinstitute the Brady waiting period. Even if we perfect the technology of an instant background check to assure that people with mental illness or felony convictions do not buy guns, a cooling off period is still valuable. In this nation, the most likely person to shoot another citizen is a member of his or her own family in a crime of passion or rage. A cooling off period to separate the rage from the purchase of the gun and the act could save thousands of lives.

Third, require that handguns be made with smart gun technology. We have the technology to assure that the person who fires a gun owns the gun—a thumbprint or another means of electronic identification. That technology is in hand. It can be perfected. If it is not available today, it can be available soon. It can separate criminals from guns that are being stolen out of our own houses, our own stores, and killing our own people.

Fourth and finally, to regulate firearms, as every other consumer product, to ensure that firearms are safely designed, built, and distributed, not only for the general public but specifically and, more importantly, for the people who are actually buying the guns.

Together, these four measures represent a comprehensive national policy of responding to the growing spiral of gun violence in our society. Individually, none of them will meaningfully solve the problem, but together they represent an important statement and a critical beginning, using our technology, our common sense, and our laws to protect our citizens. Ironically, they principally benefit the people who own and buy guns, who are most likely to be hurt by a gun improperly made or distributed or stolen from their own home.

In recent months, we are recognizing that what the Federal Government is failing to do in dealing with gun violence other levels of government are doing, particularly the mayors of our cities—New Orleans, Chicago, Atlanta, Camden County in my home State, Philadelphia through Mayor Rendell—who are beginning lawsuits to hold gun manufacturers responsible for how they manufacture these guns and how they distribute them. I am proud they are doing so but not proud that the Federal Government is not part of this effort. The simple truth is, in a society in which the Federal Government regulates the content of our air, the quality of our water, virtually every measure of consumer product for its safety, its design and its content, the single exception is guns manufactured in the United States. By statute, the ATF is prohibited from engaging in the regulation of the design and distribution of firearms.

A toy gun is regulated for its design: The size of its parts, to protect an infant child, the contents of the materials. A toy gun is completely regulated by the Federal Government. But the actual gun, including the TEC-9

used in Columbine High School, is not. No one could rationally explain that contradiction, but it is the truth. Indeed, as I have demonstrated on this chart, a child's teddy bear is regulated for its edges, its points, small parts, hazardous materials, its flammability, but a gun—which 14 times a day takes a life—that may be in the same home, in proximity to that child is not.

I want to point out that in the Firearms Safety Consumer Protection Act we deal with each of these issues. I urge my colleagues to consider it and lend their support.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Mr. President, I am here today to join my colleagues, Senator TORRICELLI and Senator BOXER and others, who are pointing out that America has recently been both shocked and, we hope, awakened to the danger of gun violence throughout our land and particularly the gun violence that envelops our children.

A few weeks ago, last month, we in this Senate began to recognize that the people of the United States want reasonable gun control policies. They want these policies to protect themselves and particularly to protect their children. During consideration of the juvenile justice bill, we made some progress by passing a ban on the juvenile possession of semiautomatic assault weapons and a ban on the importation of high-capacity ammunition clips. We saw Republicans join all Democrats in voting to require that child safety devices be sold with all handguns. Finally, with a historic, tie-breaking vote by the Vice President, we passed the Lautenberg amendment to firmly close the gun show and pawnshop loophole by requiring background checks on all sales and allowing law enforcement up to 72 hours to conduct these background checks, as currently permitted by the Brady law.

These are the kinds of measures that Democrats in Congress have been advocating for years. It is unfortunate that it took the Littleton tragedy to bring our colleagues in the majority around to our way of thinking. We welcome even these small steps in the right direction. But these are, indeed, small steps, and we need to do much more. We should reinstate the Brady waiting period, which expired last November, to provide a cooling off period before the purchase of a handgun. My colleague from New Jersey said it so well: Too often crimes with handguns are crimes of rage and passion. A cooling off period might insulate the acquisition of the gun from the crime of passion or rage. Even if we do perfect the instant check, this waiting period will still play a very valuable role in ensuring that handguns are not the source of violence and death in our society. We should also pass a child access prevention law to hold adults responsible if they allow a child to gain access to a firearm and that child uses the firearm to harm another.

These are the types of protections that are, indeed, necessary.

In addition, we should completely close the Internet gun sales loophole, something the Senate failed to do last month when we were considering the juvenile justice bill. We all know the increasing power of the Internet to sell goods and services. Whatever is happening now in the distribution of firearms through the Internet is merely a glimpse and a foreshadowing of what will happen in the months and years ahead. We should act now, promptly, so we can establish sensible rules with respect to the Internet sale of firearms.

I also believe that we should apply to guns the same consumer product regulations which we apply to virtually every other product in this country. Again, the Senator from New Jersey was very eloquent when he described the paradox, the unexplainable paradox, the situation in which we regulate toy guns but we cannot by law, in any way, shape or form, regulate real guns. If toy guns, teddy bears, lawn mowers, and hair dryers are all subject to regulation to ensure they include features to minimize the dangers to children, why not firearms?

I have introduced legislation to allow the Consumer Product Safety Commission to regulate firearms to protect children and adults against unreasonable risk of injury. I know my friend and colleague from New Jersey has introduced a bill to allow the Treasury Department to regulate firearms. Whichever agency ultimately has oversight, the important thing is that guns should no longer be the only consumer product exempt from even the most basic safety regulations.

Finally, I believe that gun dealers should be held responsible if they violate Federal law by selling a firearm to a minor, a convicted felon, or others prohibited from buying firearms.

Currently, there are over 104,000 federally licensed firearms dealers in the United States. While most of these dealers are responsible small business people, recent tracing of crime guns by the Bureau of Alcohol, Tobacco and Firearms has found substantial evidence that some dealers are selling guns to juveniles and convicted felons. This direct diversion of weapons from retail to illegal markets is taking place both through off-the-book sales by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him or her.

Indeed, just this week, my colleague, Senator SCHUMER, from New York released a study of Federal firearms data that reveals a stunning number of crime guns being sold by a very, very small proportion of the Nation's gun dealers. According to data supplied by the Bureau of Alcohol, Tobacco and Firearms, just 1 percent of this country's gun dealers sold nearly half of the guns used in crime last year. The statistics suggest we must move aggressively against these dealers who are

flouting the laws and who are disregarding public safety.

To remedy this situation, I have introduced S. 1101, the Gun Dealer Responsibility Act, which would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury. I believe this legislation will make unscrupulous gun dealers think twice about to whom they will sell a weapon, particularly if they intend to sell it to minors, convicted felons or any other ineligible buyer, either directly or through straw purchases.

Anyone who honestly considers the tragic events in Littleton 1 month ago and the 13 children who die from gun violence each day in this country must concede that our young people have far too easy and unlimited access to guns. It is a shameful commentary that in this country today, in 1999, for too many children it is easier to get a gun than it is to get counseling. We have to work on both fronts—improving our schools and access to mental health services and counseling and support—but we also have to close the loopholes which make it easy for youngsters to get guns. Last year, 6,000 American students were expelled from elementary or high school for bringing a gun into the school building. That, too, is an indication that we have to work to ensure that children do not have access to firearms.

We must do more than just keeping the guns away, but that is something we have to do right now in a comprehensive and coherent way.

The measures I have suggested and the measures that my colleague from New Jersey suggested are sensible parts of a comprehensive strategy to do what every American wants done: to keep weapons out of the hands of young children who may use them to harm themselves or harm others.

I hope that having been awakened by the tragedy in Littleton, we are ready to move progressively and aggressively to remedy this situation in the Senate.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask that we remain in morning business and I be allowed to make a statement.

The PRESIDING OFFICER. The Senator is recognized for the remainder of morning business.

Mr. BREAUX. I thank the Chair.

MEDICARE

Mr. BREAUX. Mr. President, when I first got into this business of being involved in Congress many years ago and also involved in fundraising activities, I remember trying to compose a fundraising letter. I sat down at my desk and drafted one. I thought I put out a pretty good fundraising letter to constituents saying why I thought I was the best person running for a par-

ticular office and would they please consider sending a contribution to me because I was obviously the best person for the job.

I shared the draft of my fundraising letter with one of the professional people who does this for a living. He looked at it, read it and said: This will never do.

I said: Why?

He said: It is not outrageous enough.

I said: What do you mean?

He said: In order to get people to extend money to you in your election, you have to be outrageous in the letter, be as outrageous as you possibly can; don't worry about whether it is totally accurate. Just make sure it gets the people's attention and really scares the you know what out of them in order for them to feel like it is absolutely essential that to save their future, they need to send you a political contribution.

I said: I am not going to do that. It doesn't fit how I operate, and I think it is a wrong thing to try and scare people.

Apparently, there are organizations in this city that think otherwise. I call to my colleagues' attention one of them called the National Committee to Preserve Social Security and Medicare. It is a very noble-sounding organization. They sent out this letter, a bright yellow thing, and it came in an envelope that is enough to look like it is from the Internal Revenue Service.

It says: "Urgent Express. Please expedite. Dated material enclosed."

It would really get your attention if you walked out to the mailbox and received this. But also, if you are a senior, you would be scared to death if you thought what they were telling you was true.

It starts off by saying the Breaux-Thomas effort to fix Medicare is going to basically destroy Medicare by giving you a voucher instead of a guaranteed contribution for your Medicare benefits. No. 1, that is absolutely, totally inaccurate, incorrect, misleading, false and anything else you want to call it.

What we do is give seniors the same type of system that every one of us as Federal employees, including Members of the Senate, has. Under our plan, it is guaranteed in law that the Federal Government will contribute 88 percent of the cost of whatever plan the seniors take. The seniors would pay about 12 percent. That is what they pay now. That is not a voucher. For them to say it is a voucher is misleading, false, and intended to simply scare people into giving more money.

If you look at the rest of their letter, they say you do not get guaranteed benefits. That is not true. The statute clearly says that you will have the same guaranteed benefits that you get under Medicare today. That is in statute. That is guaranteed. What they have to say is false.

What they are really trying to do, in addition to scaring seniors, is they are trying to raise money from them; tell